



Fw: AZ List and Cat. 3  
**Peter Kozelka** to: Susan Keydel  
Cc: Valentina Cabrera-Stagno

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FYI --

----- Forwarded by Peter Kozelka/R9/USEPA/US on 06/18/2009 11:22 AM -----

From: Jamie Fowler/DC/USEPA/US  
To: Peter Kozelka/R9/USEPA/US@EPA  
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Subject: AZ List and Cat. 3

PK-

Just found this statement in the 2010 IR Guidance that may shed light on your posed question:

*EPA also expects that waters identified as impaired and listed on the 303(d) list in the previous reporting cycle will not be removed from the list and placed into Category 3 in the subsequent listing cycle unless the State can demonstrate good cause for doing so, consistent with EPA regulations (40 CFR § 130.7(b)(6)(iv)). The State should explain why the data and information that formed the basis for the original listing is no longer sufficient for determining that the water is still impaired.*

Additionally, I don't think the State can move waters from Cat. 5 to 3 base solely on the premise that "old data" is unrepresentative of water quality conditions.

I'll still check with folks here, but I think under the PA/PD scenario, this would still be EPA's expectation.

-Jamie